

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NH
FILED

United States,
Appellee

2018 SEP -4 A 11: 36

v.

DC Case No. 1:12-CR-00140-PB-1
Ct. of App. Case No. 18-1705

Lisa Biron,
Defendant-Appellant

Application to Proceed In Forma Pauperis

Ms. Biron moves this Honorable Court for permission to proceed In Forma Pauperis, and states in support as follows.

Ms. Biron was determined to be financially unable to obtain an adequate defense in the underlying criminal case, has been incarcerated since November 2012 and remains indigent and unable to afford this appeal.

Ms. Biron is entitled to redress on appeal as she has been convicted of a non-existent offense. Evidence of this unlawful conviction came to light in the District Court's opinion wherein it stated that Defendant's crime requires proof of only general intent when the crime requires proof of specific intent and but-for causation.

Ms. Biron has included a completed financial affidavit in support of this motion.

Wherefore, Ms. Biron respectfully requests to proceed on appeal In Forma Pauperis.

Respectfully submitted

8/30/18
Date

Lisa Biron
Lisa Biron Reg. # 12775-049
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

Certification of Service

I hereby certify that a copy of the foregoing motion and supporting affidavit was mailed firstclass postage prepaid to Seth Aframe on this date.

8/30/18
Date

Lisa Biron
Lisa Biron

Verification of Timeliness

I hereby swear, under penalty of perjury, that the foregoing motion and supporting affidavit was deposited in the inmate legal mail system firstclass postage prepaid on this date.

8/30/18
Date

Lisa Biron
Lisa Biron

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

United States,
Appellee
v.

District Court No. 1:12-CR-00140-PB-1

Appeal No. 18-1705

Lisa Biron,
Defendant-Appellant

Affidavit in Support of Motion	Instructions
<p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: <u>Lisa Biron</u></p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: <u>August 30, 2018</u></p>

My issues on appeal are:

Convicted of a non-existent offense, evidence of which has recently come to light in District Court opinion wherein Court acknowledges this in stating that Defendant's crime requires proof of only general intent when the crime requires proof beyond a reasonable doubt of specific purposeful intent and at least but-for causation.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment <u>Prison job .12/hour</u>	\$ 16.00	\$ N/A	\$ 16.00	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A
Interest and dividends	\$ 0	\$ N/A	\$ 0	\$ N/A
Gifts	\$125.00	\$ N/A	\$ 125.00	\$ N/A
Alimony	\$ 0	\$ N/A	\$ 0	\$ N/A
Child support	\$ 0	\$ N/A	\$ 0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ N/A	\$ 0	\$ N/A
Disability (such as social security, insurance payments)	\$ 0	\$ N/A	\$ 0	\$ N/A
Unemployment payments	\$ 0	\$ N/A	\$ 0	\$ N/A

Public-assistance (such as welfare)	\$ 0	\$ N/A	\$ 0	\$ N/A
Other (specify):	\$ 0	\$ N/A	\$ 0	\$ N/A
Total monthly income:	\$0 141.00	\$0 N/A	\$0 141.00	\$0 N/A

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.) **I have been in federal prison since 11/2012**

Employer	Address	Dates of employment	Gross monthly pay
N/A			\$ N/A
N/A			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
N/A			\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ None

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
FBOP	Inmate Trust	\$ 115.84	\$ N/A
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. **I own no assets.**

Home (Value) \$	Other real estate (Value) \$	Motor vehicle #1 (Value) \$
N/A		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ N/A	(Value) \$ N/A	(Value) \$ N/A
Make and year:		
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

I am in federal prison.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	N/A
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 20.00	\$ N/A
Home maintenance (repairs and upkeep)	\$	\$
Food	\$ 50.00	\$ N/A
Clothing	\$ 5.00	\$ N/A
Laundry and dry-cleaning	\$ 5.00	\$ N/A
Medical and dental expenses	\$ N/A	\$
Transportation (not including motor vehicle payments)	\$ N/A	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ N/A	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renters:	\$ N/A	\$ N/A
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ N/A	\$ N/A

Installment payments		
Motor vehicle:	\$ N/A	\$ N/A
Credit card (name):	\$ N/A	\$ N/A
Department store (name):	\$ N/A	\$ N/A
Other: <u>Commissary hygiene items</u>	\$ 20.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ N/A	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ N/A	\$ N/A
Other (specify): <u>Postage and photocopies</u>	\$ 30.00	\$ N/A
Total monthly expenses:	\$ 0 130.00	\$ 0 N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? My family paid \$10,000.00 in attorney's fees to Charles Keefe who committed malpractice in my habeas case.

☒ Yes ☐ No If yes, how much? See above

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am in prison.

12. State the city and state of your legal residence: Unknown (I physically reside in Waseca, MN)

Your daytime phone number: () N/A

Your age: 49 Your years of schooling: Juris Doctorate Degree

Last four digits of your social-security number: 5812